

Serial No.: 10/743,383

REMARKS

By this amendment, claim 1 is revised and claim 2 is canceled to place this application in condition for allowance. Currently, claims 1 and 3-7 are before the Examiner for consideration on their merits.

In the Action, the Examiner continues to reject all claims under 35 U.S.C. § 112, second paragraph, alleging that the claims "still fail to clearly define what gas flow rates are controllable with respect to." In conjunction with this rejection, the Examiner also suggested three alternatives to overcome the indefiniteness rejection. Applicants have opted to revise claim 1 based on the disclosure of page 6, line 20 to page 7, line 2, which is the third suggestion of the Examiner. It is respectfully submitted that this revision to claim 1 removes any instances of indefiniteness and that the rejection should be withdrawn.

Also, since many of the features of claim 1 were found in claim 2, this claim has been canceled.

It is also submitted that the revision to claim 1 removes the rejection based on Shimizu. As previously argued, Shimizu does not teach the arrangement of supporting gas and flammable gas as now defined, and particularly, the arrangement whereby first ends of gas feed lines are connected to the hollow body and the plural groups, and second ends of the gas feed lines are connected to gas sources for the flammable and supporting gases, wherein each gas feed line has a control means for controlling a flow rate of a gas to be passed therethrough.

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This limitation means that the grouped pipes are individually controlled in gas flow rates by control means. Shimizu does not teach clearly grouped pipes whose flow rates are each controlled by control means.

In the Office Action, page 5, lines 8-10, the Examiner refers to Figure 45 of Shimizu for support of the contention that all of the co-axially classified groups are supplied with a support gas through the single oxygen channel (308) and the flow through said channel is controlled by an oxygen flow rate control unit (310). As stated by the Examiner, the oxygen gas channel is single, which is completely different from the plural gas feed lines, each controlled by control means as now recited in claim 1.

With the changes to claim 1, Shimizu cannot form the basis for a rejection based on 35 U.S.C. § 102(b). Moreover, there is no reasoning available to modify Shimizu so as to produce the invention of claim 1, as amended. Any such allegation would be the impermissible use of hindsight and such a rejection could not be sustained on appeal.

Applicants note the Examiner's comments regarding Gitman and control of supporting and flammable gases in a burner. However, Gitman does not teach or suggest the missing features of Shimizu so that even if Gitman were used to modify Shimizu, the invention as defined by claim 1 would still not be taught.

The remaining claims 3-7 are believed to be patentable because of their claim dependency.

In light of the arguments above and the fact that the Examiner indicated that the claim revision now made to claim 1 would remove the rejection, it is submitted that claims

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1 and 3-7 are now in condition for allowance.

Accordingly, the Examiner is respectfully requested to examine this application in light of the arguments made above, and pass claims 1 and 3-7 onto issuance.

If the Examiner believes that an interview would be helpful in expediting the allowance of this application, the Examiner is requested to telephone the undersigned at 202-835-1753.

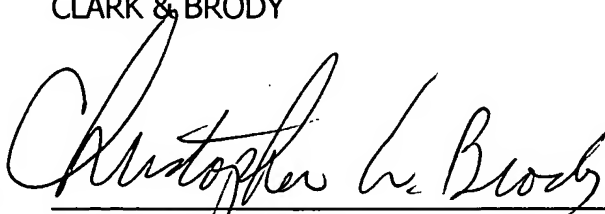
The above constitutes a complete response to all issues raised in the Office Action dated January 15, 2008.

Again, reconsideration and allowance of this application is respectfully requested.

A petition for a three month extension of time is made. A check in the amount of \$1050.00 is attached to cover the cost of the petition fee. Please charge any fee deficiency to Deposit Account No. 50-1088.

Respectfully submitted,

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